

Application No.: 10/064,830

Docket No.: JCLA9625-R

REMARKS

Present Status of the Application

Upon entry of the amendments in this response, claims 1-13 are pending of which the independent claim 1 and dependent claims 2-3,6-11 and 13 have been amended, as well as the claim 5 has been cancelled without prejudice or disclaimer in order to more explicitly describe the claimed invention. It is believed that no new matter is added by way of amendments made to the independent claim 1. For at least the foregoing reason, applicants respectfully submit that claims 1-4 and 6-13 patently define over prior art of record and reconsideration of this application is respectfully requested.

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Discussion for objection to claims under 35 U.S.C.112,1st and 2nd paragraphs

2. Claims 1-3 and 6-13 are rejected under 35 U.S.C.112,1st paragraph because the invention is disclosed with the incorporation of specific sipercapacitors, ultracapacitors and double layer capacitors.

3. Claims 1-2 and 4-13 are rejected under 35 U.S.C.112,2nd paragraph because how complementary charge and discharge between battery element and capacitor is achieved when primary batteries are not rechargeable batteries.

In response thereto, applicants accordingly amended the claim 1 so that the amended claim1 comprises a rechargeable battery element and a capacitor element, selected from the group consisting of supercapacitor, ultracapacitor, and electric double layer capacitor.

Discussion for rejection to claims under 35 U.S.C. 103(a)

5. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thmoas, in view of JP 02-273036 (Shirata et al, hereinafter referred as Shirata)

In response thereto, applicant traverses the preceding rejections based on the following arguments. To establish a prima facie case of obviousness, the cited prior art references (i.e.

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Thomas and Shirata) should teach all limitations of the claim 1. First of all, from abstract and Figs. 1 and 2, in Shirata, it permits internal charging of a secondary battery 1 via a big capacitor 2. In other words, Shirata only discloses one way charging from the big capacitor 2 to the secondary battery 1, rather than "A double arrow is included in 223 to indicate a two-way charging between S/C and LI/B," (emphases added) as disclosed in the paragraph [0026] in the specification. Furthermore, from the paragraph [0027] in the specification in the present application, there discloses "During discharging, it is LI/B that primarily supplies energy to S/C via switch 223 in FIG. 2A," whereas, in Shirata, the big capacitor 2 is used as a primary energy supplier (emphases added) when the hybrid battery discharges.

To distinguish over Shirata, the claim 1 is amended to incorporate the preceding features. Therefore, even if Thomas and Shirata could be combined, this proposal combination still fails to teach, suggest or disclose "a rechargeable battery element, used as a primary energy supplier when the battery discharges" and "an electronic controller for controlling a two-way charging between said battery element and said capacitor element," as claimed in the amended claim 1. In other words, the amended claim 1 is not rendered obvious over Thomas and further in view of Shirata, and patentable under 35 U.S.C. 103(a).

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Regarding to dependent claims 2-4 and 6-13, they should be patentable as a matter of law for the reason that they contain all limitations of their patentable base independent claim 1.

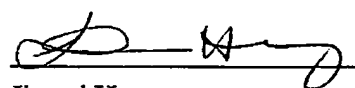
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-4 and 6-13 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,
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